

REMARKS

Claims 38-67 are pending in the application. In summary of the outstanding Office Action, claims 38-67 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Patent No. 5,959,945 (Kleiman) in view of U.S. Patent No. 5,969,283 (Looney).

Reconsideration of the outstanding rejections is respectfully requested in view of the following remarks.

Rejections under 35 USC § 103(a)

Claims 38-67 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Kleiman in view of Looney.

Regarding independent claims 38, 56 and 64, they have been amended for clarification to more clearly define the “verification mechanism” and Applicants do not concede the propriety of the current rejection. Support for this amendment appears throughout the specification, such as, for example, on page 14 in the second and fourth paragraphs. It is admitted in the Office Action that “Kleiman fails to explicitly disclose that his central controller is for verifying when a preselected music item has been recorded at the at least one consumer location.” The Office Action, however, alleges that this element is disclosed in Looney. Looney merely describes songs or CD’s that include a special code keyed to the user’s system code so that “only the user’s system can load the songs on its hard drive” (col. 2, lines 53-54). However, this does not give any verification within a controller system that the songs were actually recorded at the consumer location, but only some assurance that they were not recorded on unauthorized systems. Therefore, Applicants respectfully submit that “a mechanism configured to verify to the controller system when a pre-selected music content item has been recorded at the at least one consumer location” is not taught by Kleiman or Looney, nor is “a mechanism configured to transmit pricing information for the pre-selected music content item to a billing module of a user station where it is stored in nonvolatile memory for subsequent querying by the central controller; and a mechanism for receiving the pricing information for the pre-selected music content item stored in the billing module of the user station once a consumer makes an indication at a user station that the consumer wishes to record the music content item at the user station,” as appears in claim 38 as amended.

Also, Applicants submit that the Office Action does not mention the element of claim 38 of “a central controller system configured to store therein an address corresponding to the


at least one consumer location,” and thus fails to point out where this is disclosed in any of the references cited by the Office Action. Therefore, Applicants respectfully submit that of “a central controller system configured to store therein an address corresponding to the at least one consumer location,” is not taught by Kleiman or Looney.

Regarding claims 39-67, with respect to related elements that claims 39-67 may share in common with claim 38, all the limitations of claims 39-67 are not taught or suggested by Kleiman or Looney for the same reasons presented above. Therefore, Applicants submit that claims 38-67 of the application are in condition for allowance.

CONCLUSION

Applicants believe that the present reply is responsive to each point raised by the Examiner in the Office Action and Applicants submit that claims 38-67 of the application are in condition for allowance. Favorable consideration and passage to issue of the application at the Examiner's earliest convenience is earnestly solicited. However, should the Examiner find the claims as presented herein to not be allowable for any reason, Applicants' undersigned representative earnestly requests a telephone conference at (206) 332-1392 with both the Examiner and the Examiner's Supervisor to discuss the basis for the Examiner's continued rejection in light of the Applicant's arguments presented herein. Specifically, should the Examiner find the claims presented herein not to be allowable, Applicant's undersigned representative would respectfully request the Examiner to point Applicants to the column and line numbers in Kleiman or Looney where they describe verifying to the controller system when a pre-selected music content item has been recorded at the consumer location. Likewise, should the Examiner have any questions, comments, or suggestions that would expedite the prosecution of the present case to allowance, Applicants' undersigned representative would very much appreciate a telephone conference to discuss these issues.

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